

SR 8832

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MOSES SHERMAN and LEOLA SHERMAN,

Plaintiffs,

- against -

A.J. PEGNO CONSTRUCTION CORP., et al.,

Defendants.  
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**PLAINTIFFS' AFFIRMATION  
IN SUPPORT OF THEIR  
MOTION TO REMAND**

Case No. 07 CV 6433 (RJS)

**STEPHEN J. RIEGEL**, an attorney duly admitted to practice law in this Court and the Courts of the State of New York, hereby affirms the following to be true under penalty of perjury:

1. I am associated with the law firm of Weitz & Luxenberg, P.C., attorneys for Plaintiffs Moses Sherman and Leola Sherman, and as such am fully familiar with all prior pleadings and proceedings here and in the court below.

2. I make this affirmation in support of Plaintiffs' motion to remand this case to New York Supreme Court, County of New York, where it was originally filed and subsequently removed to this Court by Defendants General Motors Corporation and Ford Motor Company on or about July 16, 2007.

3. Appended at Exhibit 1 hereto are copies of the pages of the transcript of the deposition of Plaintiff Moses Sherman, on January 31, 2007, which are cited to in Plaintiffs' Memorandum of Law In Support of Their Motion To Remand ("Plaintiffs' Memorandum of

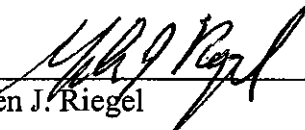
Law”).

4. Appended at Exhibit 2 hereto are copies of shipping records and invoices of Union Carbide Corporation referencing shipments and sales of its Calidria asbestos fiber to the Chrysler Corporation facility in Trenton, Michigan, which are cited to in Plaintiffs’ Memorandum of Law.

5. Appended at Exhibit 3 hereto is a copy of DaimlerChrysler Corporation’s Responses To Plaintiffs’ First Master Set of Interrogatories in Coleman v. A.C. Delco, et al., Case No. CV 408170 (Court of Common Pleas, Cayuga Co., Ohio), dated November 30, 2000, which is cited to in Plaintiffs’ Memorandum of Law.

6. Appended at Exhibit 4 hereto is a copy of the Decision of Judge Mark Davidson in In re: Asbestos, Cause No. 2004-03964, mem. op. (11<sup>th</sup> Dist. Ct., Harris Co., Tex. September 26, 2005), which is cited to in Plaintiffs’ Memorandum of Law.

Dated: New York, N.Y.  
September 26, 2007

  
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Stephen J. Riegel